

# The Office of Children's Ombudsman's Role in Michigan's Child Welfare System





# Legal Authority

- History: Prior to 1994, legislators were frustrated, they could not address constituent concerns about child abuse cases. DSS was prohibited from releasing information due to confidentiality laws.
- Legislators created an agency that could access confidential records and act as a vehicle for serving constituents.
- The OCO was created via the Children's Ombudsman Act, 1994 Public Act 204, as an autonomous state agency. The statute was amended in January 2005.




## Vision Statement

The OCO strives to be a part of the solution that fosters greater accountability and transparency for Michigan's child welfare system.

## Mission Statement

The mission of the OCO is to assure the safety and well-being of Michigan's children in need of protective services, foster care, adoption services, and juvenile justice and to promote public confidence in the child welfare system.

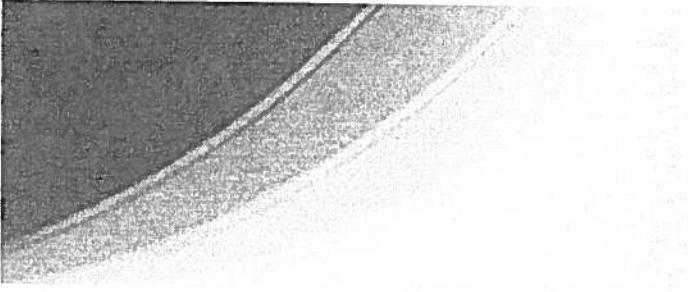
This will be accomplished through independently investigating complaints, advocating for children, and recommending changes to improve law, policy, and practice for the benefit of current and future generations.



The OCO's role as a unique, oversight agency helps ensure greater accountability and transparency to Michigan's child welfare system.

Complaint driven - primary responsibility to receive and investigate complaints.

Voice for citizens – provide citizens the means to obtain an impartial and independent investigation.



Advocate for abused and neglected children involved in CPS, foster care, adoption services & juvenile justice.

Determine if actions and decisions by DHS and PCPAs are in compliance with law, rule and policy.



# Confidentiality

Identity of complainant is kept confidential

OCO records are kept confidential

Records and reports issued by the OCO are:

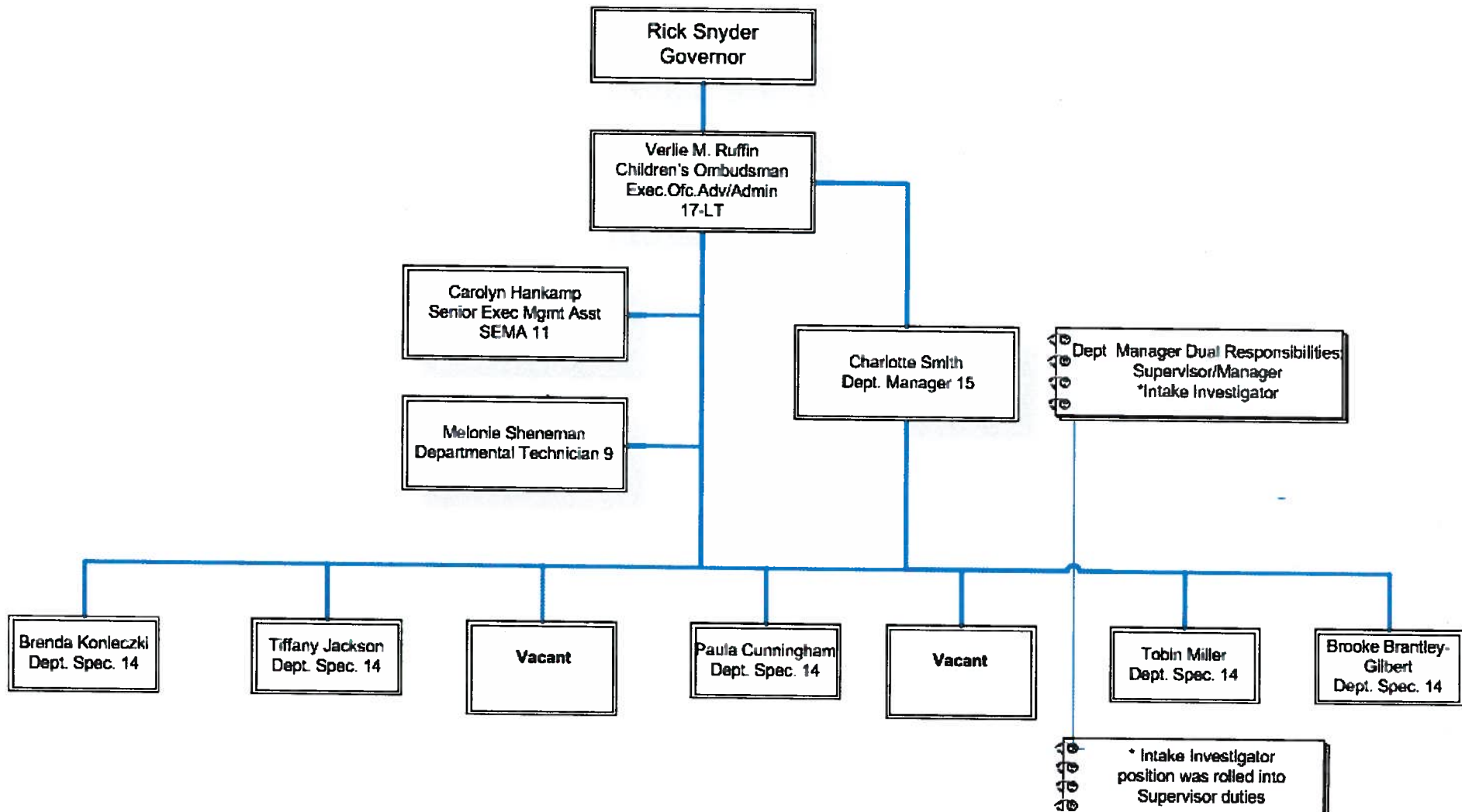
- Not subject to court subpoena
- Not discoverable in a legal proceeding
- Exempt from disclosure under FOIA



# OCO Has No Jurisdiction to Investigate

- FOC issues (custody, child support, parenting time, divorce)
- Guardianship
- School problems
- Law enforcement
- Court orders
- Judges and attorneys

Office of Children's Ombudsman  
Staffing Organization Chart  
January 2013





# Multidisciplinary Team Approach

- Assigned investigator periodically consults with other investigators
- Small team review for cases closed other than by F&R
- Full team review for all F&R cases



# Complaints

- Anyone may file a complaint with the OCO
- Complaints are received via phone, mail, email, or fax
- Not all complaints are opened for investigation
- An intake is completed or attempted with almost all complainants (some are screened out by administrative staff)



# Most Common Complaint Sources

Birth Parents

Relatives

Ombudsman

Foster Parents

Adoptive/Prospective Adoptive Parents

Mandated Reporters

Attorneys

Others



# Complaint Issues - CPS

- Children removed, but no investigation was done
- Reasonable efforts not provided
- Collateral sources not interviewed
- Non-offending parent being treated like a perpetrator
- No opportunity to prove innocence



# Complaint Issues – Foster Care

- Relatives not considered for placement
- Newborn removed from parents but not placed with older siblings already in foster or adoptive home
- Lack of home visits to child in placement
- Required services completed, but children still in out of home care
- Notice of removal not provided to caregiver



# Complaint Issues - Adoption

- Relatives not considered as possible adoptive parents
- Adoption process takes too long
- Prospective adoptive parents being asked to repeatedly resubmit paperwork



# Complaint Categories

Inquiries

Referrals

Valid Complaints Not Opened

Valid Complaints Opened



# Investigation Types

- Preliminary Investigations – phone interview, email questions, limited case file documents
- Full Investigations – more extensive review, more case file documents, and interviews of agency staff and others



## Relationship to DHS

- The DHS Office of Family Advocate (OFA) was created in 1995 to serve as the liaison between OCO and DHS
- A Memorandum of Understanding sets forth mutually agreed upon methods for OCO and DHS to interact and perform statutory duties



# Investigation Process

- Unlike a classic ombudsman office, the OCO is required by law to request a copy of the child's case file from DHS or a private agency before an investigation can be initiated (except in cases where OCO determines that a child is at immediate risk of harm and a Request for Action is sent to DHS).
- Investigators thoroughly review agency documents (average size 500 pages), interview agency staff and collateral sources.



# Completed Investigation Categories

Affirmations

Administrative Closings

Reports of Findings & Recommendations



# Responsibility to Investigate Child Death Cases

A 2005 amendment to the OCO statute, known as “Ariana’s Law,” authorized OCO to investigate child deaths that may have resulted in child abuse or neglect and make recommendations to prevent future child deaths.



# Child Death Alerts

- When a child dies and CPS is notified, a child death report is generated by DHS staff
- OCO receives the report or “child death alert” from the DHS Office of Family Advocate via email
- OCO screens out alerts that don’t fit OCO criteria (no previous agency involvement, or agency involvement longer than two years prior)
- OCO determines whether to open case for investigation based upon history of agency involvement with family
- In a vast majority of child death cases opened for investigation, the ombudsman is listed as the complainant



# Annual Report

The Children's Ombudsman Act requires that the OCO publish an annual report and issue recommendations to the Governor, Legislature and DHS Director



# Contact Information

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